

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PERRY CARTER,

Petitioner,

Case Number: 2:12-CV-13785

v.

HONORABLE GERALD E. ROSEN

MICHAEL CURLEY,

Respondent.

**ORDER DISMISSING PETITION FOR
WRIT OF HABEAS CORPUS WITHOUT PREJUDICE**

In 2012, Petitioner filed a petition for a writ of habeas corpus in this Court, challenging his convictions for first-degree murder, carjacking, assault with intent to rob while armed, and possession of a firearm during the commission of a felony. Petitioner then sought a stay to allow him to exhaust unexhausted claims in state court. The Court granted the stay and administratively closed the matter. After exhausting state court remedies, Petitioner moved to reopen this proceeding. On January 12, 2015, the Court granted the motion and ordered Petitioner to file an amended petition within sixty days. To date, Petitioner has not filed an amended petition.

The Court has the authority under Fed. R. Civ. P. 41(b) to *sua sponte* dismiss a habeas petition for failure to comply with any court order. *See Gravitt v. Tyszkiewicz*, 14 F. App'x 348, 349 (6th Cir. 2001). Because Petitioner failed to comply with the Court's order requiring the filing of an amended petition, the Court will dismiss the petition

without prejudice.

IT IS ORDERED that the petition for a writ of habeas corpus is DISMISSED
WITHOUT PREJUDICE.

s/Gerald E. Rosen
United States District Judge

Dated: February 11, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 11, 2016, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135